

Warren T. Duncan – order#11480 claim# 3345

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Ferndale, MI 48220
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FILED (I)
2016 AUG 30 P 3:30
U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

Clerk of the Court
United States Bankruptcy Court
211 W. Fort Street
Suite 2100
Detroit, MI 48226

August 30, 2016

RE: Motion for Reconsideration of the order# 11480 Granting Stipulation for Resolution of Objection to Claim number 3345 filed by Warren Duncan

Dear United States Bankruptcy Court:

I would like request a motion for Reconsideration of the order# 11480 granting stipulation for resolution of objection to claim number 3345 Acceptance of Bankruptcy Offer filed by Creditor Warren T. Duncan Claim- # 3345- Case No. 13-53846.

The Creditor is asking the Court to reconsider the Creditor's decision to accept the settlement offer from the Debtor, the City of Detroit.

The Creditor is asking the Court to review new evidence that was not considered when the Creditor made its decision.

The Creditors states that the settlement offer was made to the Creditor under false pretenses and without disclosing the new evidence that the Debtor had available and was not made in good faith. The Creditor asserts that the Debtor, the City of Detroit, withheld this information regarding the Creditor's bankruptcy claim to the Debtor's benefit.

The Creditor asserts that the City of Detroit did not disclose the additional fiscal years that the Creditor may claim for this action.

The Creditor asserts that when it signed the acceptance offer the Creditor was only considering and accepting the offer as it pertained to the Creditor's claim as submitted in 2012.

The Creditor has discovered that the Creditor's Claim may and should include the fiscal years of 2013-14 and 2014-15.

The fiscal years of 2013-14 and 2014-15 should be included as part of the Creditor's claim since the Creditor has continued to be employed by the Debtor during this time of the bankruptcy court action.

The Creditor should have the opportunity to amend its claim calculation to include these years.

The Creditor states that when it signed the acceptance offer it was not including the additional fiscal years that it may claim and would like those years to remain in the bankruptcy action.

The Creditor has attached its amended claim calculation for the Court's review.

The Creditor would like to assert this need to correct and clear the error, and to prevent injustice on part of the Debtor.

Based on these arguments, the Creditor should have opportunity to have its claim heard

Sincerely,


Warren T. Duncan

Cc: Marc N. Swanson, Miller, Canfield, Paddock and Stone Plc.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:
City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846
Judge Thomas J. Tucker
Chapter 9

**STIPULATION FOR RESOLUTION OF OBJECTION TO CLAIM
NUMBER 3345 FILED BY WARREN DUNCAN AND
ALLOWANCE OF CLAIM NUMBER 3345 IN A REDUCED AMOUNT**

Warren Duncan ("Claimant"), and the City of Detroit, Michigan ("City," and with Claimant, the "Parties"), by and through its undersigned counsel, state as follows in support of the entry of the *Order Approving Stipulation Resolving Objection to Claim Number 3345 filed by Warren Duncan and Allowing Claim Number 3345 in a Reduced Amount* attached hereto as Exhibit 1.

1. On February 21, 2014, Claimant filed proof of claim number 3345 (the "Claim") in the amount of \$33,074.05.

2. On May 12, 2016, the City filed its *Debtor's Forty-Fifth Omnibus Objection to Certain Claims (No Basis)* (the "Objection," Doc. No. 11163).

3. The Parties have reached a resolution regarding the Claim and the City's Objection to the Claim. The Parties agree that the Claim should be allowed in the amount of \$5,370.00 as a Class 15 Convenience Claim. As provided by the terms of Class 15 of the City's confirmed *Eighth Amended Plan for the Adjustment*

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of Debts of the City of Detroit (October 22, 2014) (Doc. No. 8045), the Claimant will receive a cash payment of \$1,342.50, which is 25% of the allowed amount referenced above, in full and final satisfaction of the Claim.

WHEREFORE the Parties respectfully request that the Court enter an order in the form attached as Exhibit 1, resolving the Objection as regards the Claim and allowing the Claim in a reduced amount as a Class 15 Convenience Claim.

Stipulated and agreed to on August 19, 2016:

MILLER CANFIELD PADDOCK & STONE, PLC

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

Telephone: (313) 496-7591

Facsimile: (313) 496-8451

swansonm@millercanfield.com

Counsel for the City of Detroit, Michigan

Claimant for Claim 3345

Warren Duncan
Warren Duncan

21230 N. King Pl.

Ferndale, MI 48220

The foregoing instrument was acknowledged before me this 19 day of August, 2016, by Warren Duncan, who is personally known to me or who produced a driver's license as identification.

Notary Stamp:

Notary's Signature: Cheyenne Kelly

Notary's Name: Cheyenne Kelly

Notary Public, State of MI, County of Wayne

My commission Expires: April 22, 2022

Acting in the County of: Wayne

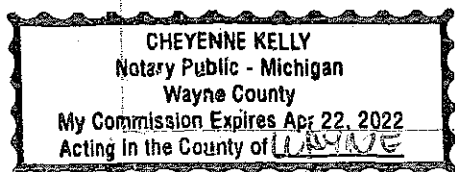


EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER APPROVING STIPULATION RESOLVING OBJECTION TO
CLAIM NUMBER 3345 FILED BY WARREN DUNCAN AND
ALLOWING CLAIM NUMBER 3345 IN A REDUCED AMOUNT**

This matter having come before the Court on the *Stipulation for Resolution of Objection to Claim Number 3345 filed by Warren Duncan and Allowance of Claim Number 3345 in a Reduced Amount* (the “Stipulation”); the parties having stipulated to the allowance of claim number 3345 in a reduced amount and the resolution of the *Debtor’s Forty-Fifth Omnibus Objection to Certain Claims (No Basis)* (the “Objection,” Doc. No. 11163) as to claim number 3345; and the Court being otherwise fully informed:

IT IS HEREBY ORDERED THAT:

1. The Objection is resolved as to proof of claim number 3345 filed by Warren Duncan (the “Claim”).

2. The Claim is allowed as a Class 15 Convenience Claim in the amount of \$5,370.00 and will be paid in a cash payment of \$1,342.50, which is 25% of the allowed amount, in full and final satisfaction of the Claim according to the terms of

the City's confirmed *Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014)* (Doc. No. 8045).

3. The City's claims and noticing agent, Kurtzman Carson Consultants, is authorized to update the claims register to reflect the terms of this order.

Payroll Costs - July 2013 - March 2014 per Noctis/DRMS				Payroll Costs - July 2013 - March 2014 - Actual Allocation															
COST Fund	COST Cost Center	Employee Name	Total	2001	2001	2001	2001	2001	2001	2001	2001	2001	2001	2001	2001	2001	2001	2001	2001
				360105	360080	360009	360010	360012	360013	360015	360070	360100	360110	360120	360062	360062	360100	360100	360100
General Fund	Planning City	Employee Name	Total	Planning City	GF Direct	FRM Direct	Administration	Grants	Financial Management	Contract Compliance	Development	Planning	Housing	NSF	ESG	NSP	HOME	TOTAL	TOTAL
				Planning City	GF Direct	FRM Direct	Administration	Grants	Financial Management	Contract Compliance	Development	Planning	Housing	NSF	ESG	NSP	HOME	TOTAL	TOTAL
		Harang, Jean Paul	40,613.97	40,613.97														40,613.97	40,613.97
		Alonzo, Khalil	46,828.53	46,828.53														46,828.53	46,828.53
		Shamlay, Helen M	23,462.62	23,462.62														23,462.62	23,462.62
		360105 Total	110,905.12																
		Total GF Direct	18,731.05	18,731.05															
		Harang, Jean Paul	59,261.44	59,261.44														59,261.44	59,261.44
		Mahone, Jennifer	55,328.57	55,328.57														55,328.57	55,328.57
		Marusich, James	26,022.81	26,022.81														26,022.81	26,022.81
		Mitchell, Alvin	53,046.54	53,046.54														53,046.54	53,046.54
		Wardlaw, Brian B	52,569.11	52,569.11														52,569.11	52,569.11
		Wells, Robert L Jr	265,259.52	265,259.52														265,259.52	265,259.52
		360080 Total	375,864.64																
		Total GF Direct	46,738.85	46,738.85															
		Jackson, Jacqueline	43,173.82	43,173.82														43,173.82	43,173.82
		Palazzo, Timothy M	52,263.96	52,263.96														52,263.96	52,263.96
		Thompson, Angela M	142,176.63	142,176.63														142,176.63	142,176.63
		360009 Total	317,111.14	317,111.14														317,111.14	317,111.14
		Administration	302,805.64	302,805.64														302,805.64	302,805.64
		Anderson, Robert	48,589.49	48,589.49														48,589.49	48,589.49
		Barth, John F	3,192.08	3,192.08														3,192.08	3,192.08
		Beaver, Albert M	55,530.81	55,530.81														55,530.81	55,530.81
		Ellison, Brian	15,226.14	15,226.14														15,226.14	15,226.14
		Hardwick, Valerie E	24,174.65	24,174.65														24,174.65	24,174.65
		Holman, Gregory	90,030.89	90,030.89														90,030.89	90,030.89
		Jenkins, Marilyn	108,850.98	108,850.98														108,850.98	108,850.98
		Miller, Valeria R	41,077.63	41,077.63														41,077.63	41,077.63
		Nyeche, Chidi	353.07	353.07														353.07	353.07
		Quinn, Phyllis A	3,488.96	3,488.96														3,488.96	3,488.96
		Truong, John	42,932.27	42,932.27														42,932.27	42,932.27
		Williams-Cheney, Roseline	134,115.01	134,115.01														134,115.01	134,115.01
		Winters, Mada M	787,378.76	787,378.76														787,378.76	787,378.76
		360010 Total	52,897.26	52,897.26														52,897.26	52,897.26
		Grants Management	78,169.62	78,169.62														78,169.62	78,169.62
		Carroll, Debra D	64,567.41	64,567.41														64,567.41	64,567.41
		Clement, Fern A	58,038.78	58,038.78														58,038.78	58,038.78
		Duncan, Warren T	57,529.78	57,529.78														57,529.78	57,529.78
		Gray-Deeds, Sheryl	57,918.66	57,918.66														57,918.66	57,918.66
		Harris, Robert	19,779.57	19,779.57														19,779.57	19,779.57
		McGee, Kim R	58,521.88	58,521.88														58,521.88	58,521.88
		Palazzo, Timothy M	79,851.58	79,851.58														79,851.58	79,851.58
		Raschke, Christopher M	528,274.94	528,274.94														528,274.94	528,274.94
		Trivedi, Ram K	56,927.65	56,927.65														56,927.65	56,927.65
		360012 Total	61,336.49	61,336.49														61,336.49	61,336.49
		Financial Management	77,760.51	77,760.51														77,760.51	77,760.51
		Davis, Brenda L	59,122.00	59,122.00														59,122.00	59,122.00
		Eady, Gerhard A	39,850.69	39,850.69														39,850.69	39,850.69
		Giering, Lisa L	47,548.09	47,548.09														47,548.09	47,548.09
		Hatchett, George	86,506.75	86,506.75														86,506.75	86,506.75
		Holloway, Tishisha T	57,389.24	57,389.24														57,389.24	57,389.24
		Jackson, Wanda	15,184.50	15,184.50														15,184.50	15,184.50
		Scarboro, Lisa K	74,464.92	74,464.92														74,464.92	74,464.92
		Udegbunam, Chukwuma C	570,079.81	570,079.81														570,079.81	570,079.81
		Valikodath, Jolly T	53,366.91	53,366.91														53,366.91	53,366.91
		Valina, Harberson T	29,198.04	29,198.04														29,198.04	29,198.04
		360013 Total	62,837.70	62,837.70														62,837.70	62,837.70
		Contract Compliance	59,960.39	59,960.39														59,960.39	59,960.39
		Handy, Valma B	65,896.17	65,896.17														65,896.17	65,896.17
		Jackson, Jacqueline	23,265.82	23,265.82														23,265.82	23,265.82
		Kaw, George A	24,230.18	24,230.18														24,230.18	24,230.18
		Perry, Wilson S	89,282.92	89,282.92														89,282.92	89,282.92
		Robinson, Marlene	64,024.20	64,024.20														64,024.20	64,024.20
		Scott, Shirley	59,988.57	59,988.57														59,988.57	59,988.57
		Thompson, Angela M	33,819.11	33,819.11														33,819.11	33,819.11
		360015 Total	89,506.40	89,506.40														89,506.40	89,506.40
		Development	3,554.11	3,554.11														3,554.11	3,554.11
		Aleebus, Paul O	42,613.25	42,613.25														42,613.25	42,613.25
		Bellon, Dinah L	51,455.34	51,455.34														51,455.34	51,455.34
		Chavez, Danny J																	
		Craw, Stephanie O																	
		Gray, Felicia M																	
		Hardy, Daryl																	
		Holland, Caroline																	
		Jackson, Lisa D																	

360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603900.13594.000000.00000	2001	Employer Liabilities	\$0.51	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603900.13594.000000.00000	2001	Employer Liabilities	\$2.05	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603200.13594.000000.00000	2001	Employer Liabilities	\$402.91	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603200.13594.000000.00000	2001	Employer Liabilities	\$22.55	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603900.13594.000000.00000	2001	Employer Liabilities	\$1.91	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603900.13594.000000.00000	2001	Employer Liabilities	\$4.00	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603400.13594.000000.00000	2001	Employer Liabilities	\$30.15	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603125.13594.000000.00000	2001	Employer Liabilities	\$112.57	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603405.13594.000000.00000	2001	Employer Liabilities	\$52.86	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603100.13594.000000.00000	2001	Employer Liabilities	\$3.79	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603300.13594.000000.00000	2001	Employer Taxes	\$26.83	\$0.00
360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603300.13594.000000.00000	2001	Employer Taxes	\$114.75	\$0.00

SAMPLE 2014-15 SALARY PAID FROM FEDERAL FUNDS W/ 100% REDUCTION
 FRINGES

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN RE: CITY OF DETROIT, MICHIGAN

CASE NO: 13-53846

CHAPTER: 9

Debtor.

WARREN T. DUNCAN. Creditor /

CERTIFICATE OF SERVICE

I hereby certify that on AUGUST 30, 2016 (date of mailing), I served

copies as follows:

1. Document(s) served:

Motion for Reconsideration of the order# 11480 Granting Stipulation for Resolution of
Objection to Claim number 3345 filed by Warren Duncan

2. Served upon [name and address of each person served]:

Marc N. Swanson
150 W. Jefferson, Suite 2500
Detroit, MI 48226
313-496-7591
swansonm@millercanfield.com

3. By First Class Mail.

Dated: 8/30/16

(Signature)

Print Name: WARREN T. DUNCAN

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

2016 AUG 30 P 3: 36

FILED (1)